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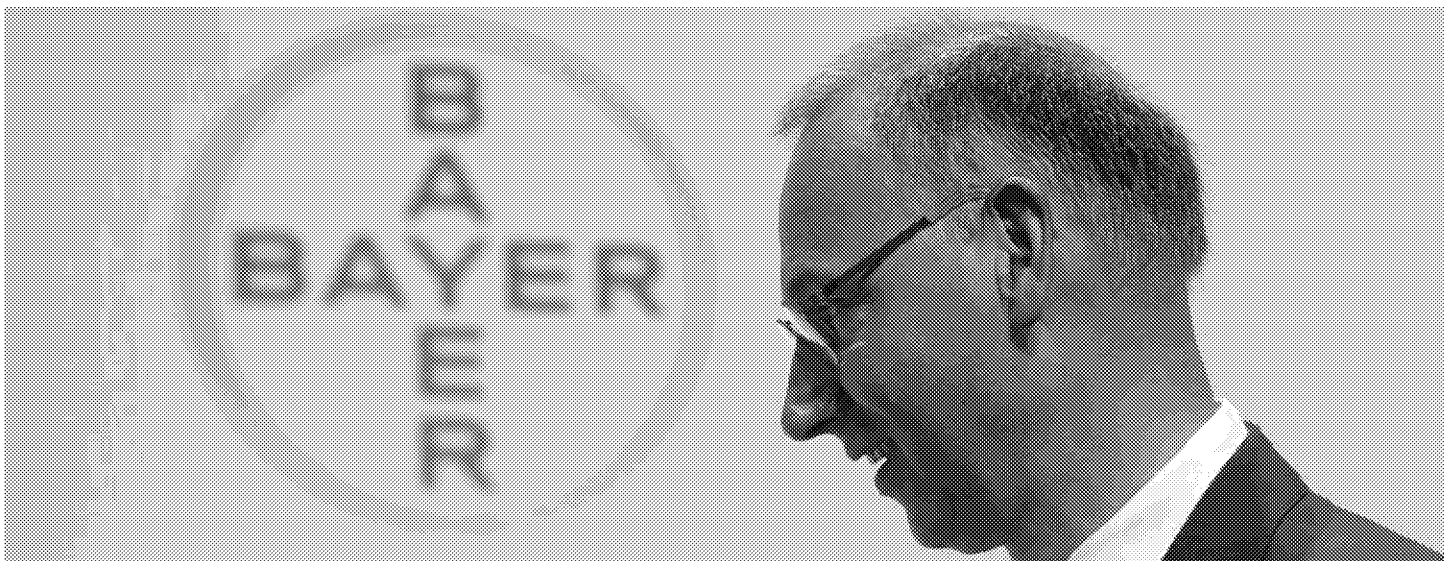
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**Subject:** News Articles (For EPA Distribution Only)

## **BNA DAILY ENVIRONMENT REPORT ARTICLES**



Werner Baumann, chief executive of Bayer AG, tries to allay investors fears after a \$289 million jury award involving its popular pesticide Roundup.

Photographer: Krisztian Bocsi/Bloomberg via Getty Images

News

## **Bayer CEO Tries to Calm Nerves After \$289 Million Roundup Award**

Posted Aug. 23, 2018, 7:41 AM

- Bayer plans to appeal the jury award
- Company could face up to \$5 billion in costs linked to glyphosate cases

Bayer AG Chief Executive Officer Werner Baumann sought to soothe investors' worries after a \$289 million jury award over the controversial weed-killer Roundup, saying the \$66 billion purchase of Monsanto Co. still makes sense.

There is "no reason to break out in nervousness" in the aftermath of the Aug. 10 verdict, Baumann told Germany's Handelsblatt newspaper in his first interview since the jury's decision.

"The fact is that absolutely nothing has changed about the compelling logic of the Monsanto takeover, about the potential for value creation for our shareholders, about the attractiveness of the agriculture market and about the goals we have communicated."

The California court awarded a school groundskeeper the damages over claims that exposure to Roundup caused his non-Hodgkin's lymphoma. The trial was the first over allegations that the herbicide causes cancer. Bayer has said it will appeal, and U.S. jury awards against companies are often overturned or reduced. But the German company could still face as much as \$5 billion in costs linked to cases over glyphosate, the main ingredient in Roundup, analysts at Sanford C. Bernstein & Co. estimate.

The verdict—the first of what may be thousands of cases—shocked observers both inside and outside Bayer, erasing \$16 billion from the company's market value in a week. Baumann has contended that facts should rule over emotion in the debate over whether Roundup causes cancer.

<https://news.bloombergenvironment.com/environment-and-energy/bayer-ceo-tries-to-calm-nerves-after-289-million-roundup-award>

## Chemical Groups Cite Duty Relief Bill at China Hearing

By Len Bracken

Posted Aug. 22, 2018, 6:36 PM

Congress is likely to suspend duties on upwards of one thousand chemicals, two industry representatives said Aug. 22 at a hearing reviewing China-specific tariffs.

## Pruitt's Cameo in Beef Industry Video OK, Watchdog Says (1)

By Sylvia Carignan

Posted Aug. 22, 2018, 4:04 PM Updated Aug. 22, 2018, 4:55 PM

Former EPA Administrator Scott Pruitt's appearance in a beef industry association video didn't violate lobbying, publicity, or propaganda regulations, according to a government watchdog.

## **INSIDEEPA.COM ARTICLES**

### Wheeler Sees Need For EPA Staff Succession Plans But Major Union Wary

Acting EPA Administrator Andrew Wheeler in a recent meeting with Region 5 employees signaled he agrees with their concerns about declining personnel levels and the need to plan for hiring younger people to replace a slew of retiring staffers, though a major EPA union remains wary that his deregulatory agenda will deter new hires.

## **CHEMICAL WATCH ARTICLES**

**TSCA problem formulations set 'improper precedents', say former EPA staff**

**'Questionable exclusions and loopholes' scrutinised in risk evaluations**

22 August 2018 / TSCA, United States



Former US EPA staff members have cautioned that the approach to TSCA 'problem formulations' sets "improper precedents for future chemical risk evaluations" under the recently reformed law.

The comments from the Environmental Protection Network – an EPA alumni group formed last year to provide a "defense against efforts to undermine" the agency's mission – came in response to a consultation on TSCA problem formulations. These further refine the scope of the first ten risk evaluations that the EPA is conducting following the update of the law in 2016.

In line with comments raised by consumer advocacy groups, the EPN's concerns centred on the EPA's decision to exclude certain conditions of use from its evaluations. The group says this runs counter to its mandate to consider risks resulting from all intended, known and reasonably foreseen uses of a chemical.

And, because all ten chemicals addressed in the problem formulations have chronic toxic effects, "a comprehensive aggregate assessment of all co-occurring exposures is critical, since excluding even one pathway will underestimate cancer and non-cancer effects."

Public health professionals group AHPA said in comments that by not considering all uses, the EPA is likely to conclude the total exposure level to a substance is lower than it is. And it may therefore "determine incorrectly" that the substance does not present an unreasonable risk – a decision they say is "unlawful and lacks scientific credibility".

A coalition of NGOs led by Safer Chemicals, Healthy Families agreed in its response that the EPA is "on a path to produce evaluations that ignore important exposure pathways and at-risk populations, disregard evidence of adverse effects and reach misleading and incomplete conclusions that understate risks and weaken public health protection."

It has called on the agency to put the risk evaluations on hold in order to "rethink how they are being conducted, and [to] initiate them in accordance with the law and principles of sound science".

### **Excluded uses questioned**

Comments from an array of groups have focused on the "questionable exclusions and loopholes" in the problem formulations.

Among those omitted, the Environmental Defense Fund said, are exposures:

- that could potentially be covered by another EPA-administered statute;
- resulting from past conditions of use that could reasonably recur;
- from accidents; and
- resulting from imperfect compliance with existing regulations.

The EPA "cannot ignore ongoing, real-world exposures" such as these, the NGO said.

The SCHF coalition cautioned that by excluding discontinued uses, industry could cease production of a specific use to prevent its inclusion in the risk evaluation, and then re-enter the marketplace without restriction or a risk determination. But if the agency were to evaluate those abandoned uses, it would have the authority to permanently

ban or restrict them under section 6(a) of TSCA, "providing certainty to the marketplace and long-term public health protection".

The coalition added that it "appears that EPA will examine each source of exposure in isolation and will not consider either the combined effect of multiple exposures or the contribution of environmental releases to overall exposure and risk". This, it said, is in violation of the law's mandate to evaluate a chemical in its totality.

And it cited a "minimal effort" to identify data gaps and assess how they will impact conclusions. It has called on the EPA to use its authorities to require testing to address these.

### **Industry generally supportive**

The American Chemistry Council said in its comments that it "generally supports the approach taken to addressing conditions of use" in the first ten problem formulations.

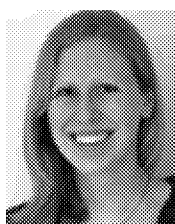
Focusing on those uses that "raise the greatest potential for risk ... allows EPA to be efficient, while still addressing the highest priority conditions of use", it said.

The trade group, however, has called for the development of a framework that "articulates its process for deciding when conditions of use are in or out of scope".

This would "streamline future efforts, provide greater understanding of EPA's decisions, increase transparency and reproducibility and enable industry to identify the types of information that may be most helpful" to develop and/or share with EPA, it said.

The problem formulations consultation closed on 16 August. The EPA must finalise its risk evaluations by December 2019.

Note: Your access to this subscriber-only article is through a corporate subscription



**Kelly Franklin**  
North America editor

### **Related Articles**

- [EPA issues TSCA 'problem formulation' documents](#)
- [EPA names first ten chemicals for new TSCA evaluations](#)
- [EPA 'narrowing' scope of first ten TSCA risk evaluations](#)

### **Further Information:**

- [Risk evaluations and docket links](#)



## **EU committee gives Opinion on safety of sunscreen ingredient**

23 August 2018 / Europe, Personal care, Substances of concern

The EU's Scientific Committee on Consumer Safety (SCCS) concluded that the use of phenylene bisdiphenyltriazine – S86 – is safe as a UV-filter in sunscreen products at a concentration of up to 5%.

Because of the insoluble nature of S86 and as no data were provided on safety via inhalation exposure, the SCCS said it considers its use safe only in dermally applied products and not in products that would lead to inhalation exposure.

It added that S86 may contain impurities (NMP and hydrazine), which are classified as category 1B carcinogenic, mutagenic and reprotoxic (CMR) chemicals and identified in the EU as SVHCs.

Therefore, the SCCS recommended the level of NMP and hydrazine be kept to trace levels. Potential effects of the substance on the environment were not assessed by committee.

### **Further Information:**

- [Opinion on the safety of cosmetic ingredient S86](#)

## **Echa round-up**

23 August 2018 / Classification, labelling and packaging Regulation, Europe, REACH

### **Norwegian intention to identify an SVHC**

Norway has submitted its intention for identification of perfluorobutane sulfonic acid (PFBS), its salts and related substances as an SVHC. It is expected to submit the proposal in March next year.

### **New public consultations on testing proposals**

Echa has started 19 new public consultations on testing proposals. The deadline to comment these is 24 September. There are currently 30 public consultations open on testing proposals.

### **CLH consultation**

The agency is consulting on a harmonised classification and labelling proposal for 7-oxa-3-oxiranylbicyclo[4.1.0]heptane.

The Netherlands is proposing a future entry in Annex VI of the CLP Regulation for carcinogenicity 1B, reproductive toxicity 1B, acute toxicity 3 and 4. The substance has an existing classification.

The deadline for comments is 19 October.

The substance is mainly used a chemical intermediate and as a reactive diluent in epoxy resins.

### **CLH intentions**

Echa has received new intentions to harmonise the classification and labelling of:

- dimethomorph (ISO);
- 1,3-bis(isocyanatomethyl)benzene;
- 1,3-bis(1-isocyanato-1-methylethyl)benzene;
- 2,4,6-triisopropyl-m-phenylene diisocyanate;
- 3,3'-dimethylbiphenyl-4,4'-diyl diisocyanate; and
- 1,5-naphthylene diisocyanate.

### **Do you need to notify trichloroethylene uses?**

Echa has advised companies on their notification obligations in relation to uses authorised this month for the substance trichloroethylene.

The Commission granted authorisation for five uses to the company Blue Cube Germany Assets on 10 August.

If this company supplies the substance directly or indirectly, the authorisation numbers should be included in their extended safety data sheet (e-SDS) and on the labels.

Conditions of authorisation must be complied with as described in the eSDS. Within three months of first delivery of the substance, Echa must be notified and provided with occupational exposure data. A written declaration as described in the decision, if relevant, is also required.

The agency sends this information to the authorisation holder, who uses it in preparing review reports for extending the authorisation period.

As the first exposure measurements are due by 3 February 2019, the agency needs the information as soon as possible, it says. The review report is due by 21 April 2019.

### **Lead in gunshot Opinion available**

The final Opinion of the Committees for Risk Assessment (Rac) and Socio-economic Analysis (Seac) to restrict lead in gunshot used on wetlands is available on the agency's website.

### **Updated publications**

Echa has updated its factsheet on information on chemicals and its leaflet 'Chemical safety and your business'.

They are both available in 23 EU languages.

### **Further Information:**

- [Registry of current SVHC intentions](#)

- [Current testing proposals](#)
- [Consultation](#)
- [Registry of intentions](#)
- [Notification on authorised uses](#)
- [Lead in gunshot Opinion](#)
- [Information on chemicals](#)
- [Chemical safety and your business](#)

## **EU CLP poison centres notification deadline 'impossible' to meet**

### **Cefic concern over IT delays and Commission's 2020 cut-off**

23 August 2018 / Accidents, emergency response & poison centres, Classification, labelling and packaging Regulation, Europe



Delays and unresolved issues mean it will be "impossible" for the European Commission to deliver the IT tools needed for the 1 January 2020 deadline for harmonised information relating to emergency health response (poison centres), Cefic says.

The deadline falls under Annex VIII of the classification, labelling and packaging (CLP) Regulation. It will require importers and downstream users to notify national appointed bodies if they are placing hazardous substances on the market specifically for consumer use by this date.

Trade associations and member states have been commenting on the requirements at recent meetings of the competent authorities for REACH and CLP (Caracal).

In a paper published after the 12 June meeting, Cefic said that with 18 months to go, the Commission would be unable to "deliver results for a quality workability study" and solve "highly important issues".

The workability study was launched shortly after the Cefic paper. It will address stakeholder concerns over the practicalities of new requirements on the submission of information. The year-long exercise will focus on industries with complex material inputs and supply chains and propose solutions to the problems raised.

Interim results will be discussed in the study steering group and stakeholder advisory group at the start of 2019, as well as at Caracal meetings.

Cefic said it anticipates the study will "demonstrate the need [for] amending the text of the annex to make it workable". It added that progress on an Echa notification portal has been "slow" and the decision to develop an agency database is "still open".

The trade body also said that the time allowed for building the poison centres notification (PCN) format and the "delays the pilot projects have suffered make the proposed dates unrealistic for such a complex project".

Industry, it said, will need to dedicate "considerable resources" to comply with Annex VIII and therefore it "cannot accept" the use of "overcomplicated" tools.

"Cefic considers it will be impossible for companies to prepare for compliance with this amount of uncertainty remaining over basic features."

The notification deadline for companies marketing substances for professional use is 1 January 2021, and for industrial use 2024.

### **Member states**

Meanwhile, member states are considering the possibility of hosting their own database in case Echa does not have a centralised one in place, Cefic said.

They are also preparing to include national requirements. "The exercise of harmonisation will be completely futile if this happens," it said. Cefic has asked the Commission to convey this message to member states to "ensure alignment".

However, Cefic added that it accepts parallel national submission systems "if when no additional information is required the PCN format can be used and when submissions through the central portal are also accepted".

In its paper, Poland's competent authority said it expects the Commission to adopt the draft of its Decision "as soon as possible" so it is ready for a vote in the Echa Management Board meeting on 20-21 September.

It added that although a "keen supporter" of the EU central system, it is concerned about future financing. It would like the Commission to provide certainty, via a legal instrument, that member states would be free from additional Echa fee requirements.

A spokesperson for the European Commission told Chemical Watch that some of the tools, such as the Unique Formula Identifier (UFI) generator and a first version of the notification format, have already been released via Echa's website. "The first version of the notification portal should also be released in 2019 and further developed over time with additional features and search capacities."



**Luke Buxton**

## Related Articles

- [EU Commission publishes CLP poison centres amendment](#)
- [Commission launches EU poison centre workability study](#)

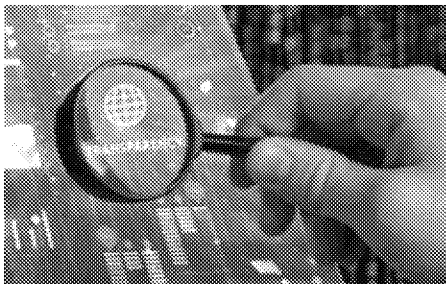
## Further Information:

- [Cefic paper](#)
- [Poland paper](#)

## US NGOs: 'Science transparency' policy contravenes TSCA

### Groups urge EPA to withdraw 'unlawful' proposal

23 August 2018 / Confidentiality & right-to-know, TSCA, United States



Environmental and consumer advocacy groups say that the US EPA's proposed 'science transparency' rule is in direct contravention to TSCA mandates, and are urging the agency to withdraw the "unlawful" proposal.

The latest opposition has come in a consultation on the agency's controversial proposed rule, 'Strengthening transparency in regulatory science'. This seeks to ensure that science underpinning regulatory decisions is available for public validations.

Nearly half a million individuals and organisations have weighed in on the rule, with the majority reiterating concerns that the proposal could require the agency to discard legitimate science. But recent comments have also highlighted the ways in which the proposal runs counter to EPA's requirements under the recently reformed TSCA law.

### TSCA science requirements

As amended by the 2016 Lautenberg Act, TSCA requires the EPA to rely on "best available science" and "reasonably available information". And it must make decisions consistent with the "weight of scientific evidence".

But in comments submitted on behalf of nearly 90 organisations, Earthjustice argued that the proposal "directly contravenes the specific mandate" of TSCA.

TSCA establishes a "comprehensive scheme for how EPA is to consider scientific data", wrote the environmental law nonprofit. "A rule that deliberately excludes this best science cannot be reconciled with these firm Congressional mandates and public health purposes," it added.

The Environmental Protection Network – a group of former EPA employees – commented that although Congress detailed the types of science that EPA should use in TSCA, "availability of sufficient underlying data for the public to 'validate' or 'reproduce' study results is not even among the factors the agency is to consider, much less a determinative factor nullifying all those enumerated".

And the group argued the proposal runs against the requirement for decisions to be based on the "weight of the scientific evidence", as it blocks evidence from the weighting process entirely.

Earthjustice also pointed out that because the proposal only applies to 'significant regulatory actions', EPA could arguably use non-public science to support a determination that a substance does not pose an unreasonable risk – as this would result in no regulatory activity – but not to regulate a harmful one. This, it says, is "arbitrary and capricious and cannot stand".

"In sum, EPA's proposed rule is inconsistent with TSCA's plain text," wrote the Environmental Defense Fund (EDF). "EPA should not adopt the proposed rule because it cannot be reconciled with the agency's duties under TSCA."

### **Industry view**

The American Sustainable Business Council – representing more than a quarter million businesses – agreed with NGO comments that the rule would run counter to TSCA's 'best available science' mandate.

"The more research the EPA considers, the more informed and appropriate their response can be to findings about harmful effects of chemicals," said the business coalition.

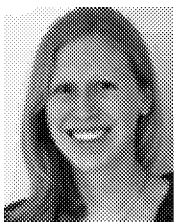
But a joint comment from three paving, stone and concrete associations – the NAPA, NSSGA, and NRMCA – said that increased transparency under the rule would help EPA carry out its 'best available science' requirements, particularly with respect to its mandates surrounding "suitability, documentation and consideration of uncertainty and variability."

And the American Chemistry Council said in a public statement that it believes that the approach outlined in the proposed rule is one Congress demonstrated its support of when it modified TSCA's science provisions in the law's 2016 overhaul.

"When it comes to the science, EPA should 'show its work'," said the trade group.

And it suggested in its comments that the EPA's Integrated Risk Information System (IRIS) programme should also be subject to the new policy.

Nonetheless, the ACC said that the rule should be tailored to each environmental law it affects, and "implemented by regulations specific to the objective and scientific disciplines of each statute," including TSCA.



**Kelly Franklin**

North America editor

### Related Articles

- [US EPA formally issues 'science transparency' proposal](#)
- [Thinktank defends US EPA 'science transparency' proposal](#)
- [Groups unite against US EPA 'science transparency' proposal](#)
- [Stakeholders square off on codifying science criteria under TSCA](#)

### Further Information:

- [Docket](#)

## San Francisco bans single-use food service ware containing PFAS

### Requirements to take effect from 1 January 2020

23 August 2018 / Food contact, PFCs, United States



San Francisco is set to ban the sale or use of single-use food service ware made with perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Earlier this month, the California city's mayor approved Ordinance 201-18, amending existing food service and packaging waste reduction laws.

The updated law will require single-use items used for prepared, takeout and leftover food – such as bowls, plates, trays, cups, lids, straws, utensils and napkins – to be 'fluorinated chemical free'.

It also covers single-use food service ware accessories, such as condiment packets, chopsticks, cup sleeves, napkins, stirrers and toothpicks.

Restaurants, food retailers, vendors, city contractors and city departments will all be subject to the requirements, which come into force on 1 January 2020.

## **'Unnecessary action'**

Jonathan Corley, a spokesperson for the chemical industry trade association, FluoroCouncil said the ban was "unnecessary, contrary to sound science and will provide no further benefits to public health or the environment."

The use of PFAS in food packaging is already thoroughly regulated by the US Food and Drug Administration (FDA), Mr Corley told Chemical Watch, and the agency has determined the chemicals "are safe for their intended use".

They "help protect the quality and integrity of food, extend shelf life and help in the safe transportation and storage of food," he added.

But Gretchen Lee Salter, interim director of the NGO Safer States, praised San Francisco's "forward thinking" on the issue.

"Taking PFAS out of food packaging will not only prevent exposure during the use of the packaging but also after it is disposed, since they have been shown to leak into compost," she told Chemical Watch.

She called on other US cities and states to follow the example.

## **Pressure on PFAS**

San Francisco's move comes as the use of PFAS in food contact materials (FCMs) faces mounting pressure.

In March, Washington became the first US state to pass a law prohibiting the substances in certain FCMs. The ban takes effect from 1 January 2022, subject to the availability of safer alternatives.

And New York has restricted state agency purchasing of food containers containing them.

The American Academy of Pediatrics named fluorinated chemicals as an "additive of most concern" in a July policy statement calling for increased regulation of food contact materials.

And in March, the industry-backed Food Safety Alliance for Packaging issued a guidance document, urging suppliers to avoid such substances as PFAS when alternatives exist.

Meanwhile, the NGO Mind the Store campaign is speaking with major food retailers to speed their removal from FCMs and will announce its progress in its 'retailer report card' later this year.

Policies like San Francisco's mark the "beginning of the end" for PFAS, said the NGO.



**Tammy Lovell**

Business reporter



## Related Articles

- [Washington takes aim at PFASs in food packaging, firefighting foams](#)
- [New York sets procurement rule on PFASs in food containers](#)
- [American pediatrics group presses for FCM reforms](#)
- [US food safety body issues 'best practice' on chemicals in packaging](#)
- [Mind the Store campaign to target more US retailers in 2018](#)

## Further Information:

- [Ordinance 201-18](#)
- [FSAP guidance](#)
- [SFHC blog on PFAS](#)

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## OTHER ARTICLES

### [Potent Bacteria](#)

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A special strain of soil bacteria has the paradoxical ability to produce highly **toxic compounds** to protect itself from other organisms without harming ...

### [Breathe. Your breakfast cereals are probably not going to kill you](#)

NJ.com

So when a study published last week noted that trace amounts of glyphosate, a **toxic chemical** found in the pesticide RoundUp, were found in four ...

### [The EPA's Proposed Chemical Disaster Rule is a Disaster in the Making](#)

Union of Concerned Scientists (blog)

It isn't new news or another hot take: communities of color are disproportionately exposed to and impacted by **toxic chemical** releases. The impacts of ...

### [Retired Generals Say Trump EPA Weakening of Chemical Rule Endangers America - Republic Report](#)

### [Length of CVS Receipts Target of Jokes, and Now Activists](#)

Bloomberg BNA

In 2017, Dow Chemical Co. and Papierfabrik August Koehler SE received an EPA **green chemistry** award for their patent of phenol-free printing paper.

### [DNL units lead 'green chemistry' using coconut-derived products](#)

Business Mirror

UNITS of listed chemical firm D and L Industries Inc. (DNL) said they will lead the way toward what they called “**green chemistry**,” mainly tapping ...

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Physics, **chemistry** and biology all measure things precisely, including the **toxicity** of **materials** both natural and synthetic. Glyphosate is less **toxic** than ...